

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO.: 3:16-CV-193-FDW-DCK**

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The Charlotte-Mecklenburg Hospital Authority	:
d/b/a Carolinas HealthCare System,	:
Carolinas Physicians Network, Inc. and	:
Managed Health Resources, Inc.,	:
	:
Plaintiffs,	:
	:
v.	:
	:
OptumHealth Care Solutions, Inc.,	:
	:
Defendant.	:

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**ADDENDUM TO CONFIDENTIALITY ORDER AND  
STIPULATION REGARDING PRODUCTION**

This Addendum to Confidentiality Order and Stipulation Regarding Production (the “Addendum”) memorializes the agreement between Plaintiffs The Charlotte-Mecklenburg Hospital Authority d/b/a the Carolinas HealthCare System, Carolinas Physicians Network, Inc., and Managed Health Resources, Inc. and Defendant OptumHealth Care Solutions, Inc. regarding confidentiality and production.

1. This Addendum supplements the Joint Stipulated Confidentiality Order (Dkt. 48) (the “Confidentiality Order”) entered by the Court in this matter on October 4, 2016. All provisions of the Confidentiality Order are incorporated herein.

2. On March 2, 2017, Magistrate Judge Keesler resolved a discovery dispute between the parties by entering an Order (Dkt. 62) (the “Order”) requiring Plaintiffs to produce responsive documents consistent with his direction on a telephone conference on March 16, 2017.

3. The parties acknowledge that Plaintiffs contend that documents to be produced by Plaintiffs pursuant to the Order include highly sensitive proprietary and confidential commercial information, including the terms of commercial agreements between Plaintiffs and Defendant's competitors that may be subject to confidentiality obligations ("Highly Confidential Information").

4. The parties therefore stipulate and agree that Plaintiffs may designate documents to be produced pursuant to the Order as "Highly Confidential" if counsel determines, in good faith, that such document or information contains Highly Confidential Information, and if such designation is necessary to comply with Plaintiffs' confidentiality obligations.

5. On February 8, 2017, Defendant produced documents to Plaintiffs bearing Bates stamps OPTUM004895 to OPTUM005404. Pursuant to this Addendum, Plaintiffs shall treat these documents as if they had been designated "Highly Confidential" at the time of production.

6. Information or documents designated as "Highly Confidential" shall not be disclosed to any person, except:

- a. Counsel for the requesting party;
- b. Employees of such counsel assigned to and necessary to assist in the litigation;
- c. Specially retained consultants, experts or witnesses to the extent deemed necessary by counsel, provided, however, that the consultant, expert, or witness is not currently employed by a party and agrees to be bound by the Confidentiality Order and this Addendum;
- d. Any person who was an original author and/or recipient of the document or information; and
- e. The Court or the jury at trial or as exhibits to motions.

7. For avoidance of doubt, the provisions of the Confidentiality Order shall apply to information designated as "Highly Confidential," except that, in the case of information or

documents designated as “Highly Confidential,” “Authorized Person” shall mean persons listed in paragraph 5 of this Addendum.

8. The Order requires Plaintiffs to produce responsive documents on or before March 16, 2017. The parties agree that, given the volume of documents and the burden of production, a brief extension to March 23, 2017 is appropriate and will not affect other deadlines in this matter.

**SO STIPULATED AND AGREED:**

/s/ Adam Doerr

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*Counsel for Defendant OptumHealth Care  
Solutions, Inc.*

**SO ORDERED:**

Signed: March 20, 2017

  
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David C. Keesler  
United States Magistrate Judge

